

RECEIVED
CENTRAL FAX CENTER

 PILLSBURY WINTHROP LLP

MAR 24 2005

2475 HANOVER STREET PALO ALTO, CA 94304-1114 650.233.4500 F: 650.233.4545

FACSIMILE

Total Pages (including cover): **2**

HOUSTON

LONDON

LOS ANGELES

NEW YORK

NORTHERN VIRGINIA

ORANGE COUNTY

SACRAMENTO

SAN DIEGO

SAN FRANCISCO

SILICON VALLEY

SINGAPORE

STAMFORD

SYDNEY

TOKYO

WASHINGTON DC

Date: **March 24, 2005**

Must Be Sent By:

To: Examiner: Duong, Frank
Art Unit: 2666

Fax No: (703) 872-9306

Company: U.S. Patent & Trademark Office

Phone No:

From: Mark J. Danielson

Phone No: (650) 233-4777

User No: 13068

C/M No: 073169-0269870

Re: U.S. Serial No. 09/663,045

Filing Date: September 15, 2000

First Named Inventor: Jeffrey Scott Kuskin et al.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the person/group, fax number and date indicated above.

By: Bobbie Jurus

Bobbie Jurus

Confidentiality Note:
The documents accompanying this facsimile transmission may contain confidential information which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in this transmission is strictly PROHIBITED. If you have received this transmission in error, please immediately notify us by telephone and mail the original transmission to us. Thank you.

Attachments:

1. Notice of Appeal

If you have not properly received this fax, please call (650) 233-4500. Thank you.

Operator: _____ Time Sent: _____ Batch ID: _____

6039919ZV1

PAGE 1/2 * RCVD AT 3/24/2005 6:33:48 PM (Eastern Standard Time)* SVR:USPTO-EFXRF-1/3 * DMS:8729306 * CSID:6502334545 * DURATION (mm:ss):00:56

RECEIVED

CENTRAL FAX CENTER

6502334545

Mar-24-05

03:39pm

From-PILLSBURY WINTHROP LLP SV-V-TMB

T-294 P.002/002 F-438

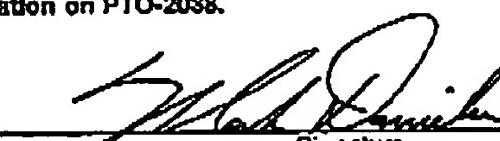
MAR 24 2005

PTO/SB/31 (09-04)

Approved for use through 07/31/2005. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 073169-0269870						
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>								
<p>In re Application of JEFFREY SCOTT KUSKIN, et al.</p> <table border="1"> <tr> <td>Application Number 09/663,045</td> <td>Filed September 15, 2000</td> </tr> <tr> <td colspan="2">For HARDWARE MAC</td> </tr> <tr> <td>Art Unit 2666</td> <td>Examiner Duong, Frank</td> </tr> </table>			Application Number 09/663,045	Filed September 15, 2000	For HARDWARE MAC		Art Unit 2666	Examiner Duong, Frank
Application Number 09/663,045	Filed September 15, 2000							
For HARDWARE MAC								
Art Unit 2666	Examiner Duong, Frank							
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p>								
<p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00</p>								
<p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 250.00</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-2213</u>. I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.36(a) (PTO/SB/22) is enclosed.</p>								
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>								
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>40,580</u>.</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a).</p>								
 Mark Danielson Typed or printed name (650) 233-4777 Telephone number March 24, 2005 Date								
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>								
<p><input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.</p>								

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14, and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.